

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ASHLEY DAWN MARIE SCHAREDEIN,))	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-24-952-G
)	
CORECIVIC, INC., a Maryland)	
Corporation, and)	
DAMIAN JAUREGUI, in his individual)	
capacity,)	
)	
Defendants.)	

**COMPLAINT FOR EIGHTH AND FIRST AMENDMENT
CIVIL RIGHTS VIOLATIONS**

Through counsel of record, Plaintiff Ashley Dawn Marie Schardein brings this complaint pursuant to the Eight and First Amendments of the Constitution of the United States, 42 U.S.C. § 1983, and 42 U.S.C. § 1988.

JURISDICTION, VENUE, AND PARTIES

This court has jurisdiction over this action pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988. At all times material to this complaint, Plaintiff Ashley Schardein was an inmate at the Cimarron Correctional Facility, and the Cimarron Correctional Facility employed Defendant Damian Jauregui. The Cimarron Correctional Facility is a private prison owned and operated by CoreCivic, Inc., which contracts with the United States to house inmates. Damian Jauregui is sued under his individual capacity as he acted under the color of law.

OVERVIEW

Damian Jauregui used the power & position granted by Cimarron Correctional Facility to stalk, manipulate, and rape Ashley Schardein. Staffing shortages and unfettered & unquestioned access to female inmates cultivated a culture of rape & abuse at Cimarron Correctional. Cimarron

retaliated against Ashley for hiring counsel in her pursuit of justice. Ashley seeks compensation for Cimarron's violations of her Eighth & First Amendment rights.

FACTS

Ashley's struggles with isolation & depression are deeper than most. Other inmates ostracize Ashley due to the nature of her charges. Damian Jauregui noticed this and told Ashley, "I've been watching you," in June 2022. A week later, he pounced.

Female inmates kept tablets in the pod office where security guards worked. Some inmates could also stay out late at night to clean. In June 2022, Ashley asked Jauregui about her husband, Billy, who was also housed at Cimarron. She'd conversed with Jauregui about Billy before. This time, Jauregui insulted Billy, so Ashley left. Ashley returned to the office to get her tablet at the end of her night cleaning shift.

Ashley asks Jauregui for her tablet. Jauregui stands and holds the tablet but does not hand it to Ashley. He tells her to come in. Ashley refuses to go in, hoping Jauregui will merely hand her the tablet. Jauregui places it on the table. Ashley walks into the small office to grab the tablet. Jauregui grabs Ashley by her wrist, yanks her close, and forcibly kisses her. Ashley grabs her tablet, runs out of the office, and into her cell.

Jauregui waits ten minutes, then acts like he's doing a security round check. Jauregui stops at Ashley's cell, opens the door, and apologizes. Ashley asks Jauregui to leave, and he does.

Jauregui knows that Ashley has been suffering from excessive bleeding due to an IUD extraction. He's advised to give Ashley extra tampons and napkins if she needs them. Ashley requests no extra napkins or tampons. However, Jauregui uses her illness as an excuse to revisit Ashley's cell. He returns a third time, opens the door, and places tampons and napkins in Ashley's cell. A few days later, Jauregui apologizes, telling Ashley he merely has a crush on her. He continued to pursue Ashley over the next several months.

Jauregui was an intake officer, so he shouldn't have been in the pods. However, Jauregui worked in the pods whenever the facility was short-staffed. Jauregui was also allowed free reign throughout the prison and would make it a point to visit Ashley in her pod between 6:30 p.m. and 6:30 a.m., usually whenever she was out of her cell cleaning for the night.

During those months, there were no sexual assaults by Jauregui. He merely visited Ashley as what she perceived to be one of her few friends due to the nature of her charges. That changed on or about September 18, 2022.

Jauregui relieved the female guards in Ashley's pod at 8:30 p.m. He walked into the pod office and slammed the door, so Ashley went to the office to ask if he was fine. Ashley had taken a shower and was talking to a fellow inmate. Jauregui was running two pods that day, so he told the cleaning women to lock down early, around midnight. He also commented on the hole near the crotch of her pants. Ashley went to her room.

Jauregui goes to Ashley's cell a few minutes later and asks her to talk to him in the office. Ashley enters the pod office; it's dark. Jauregui yanks Ashley close to him. Ashley had a hole in the crotch of her pants. He places his fingers in the hole and rips it open. Jauregui shoves his hand over Ashley's mouth and unzips his pants. Jauregui then thrusts Ashley around and bends her over. He rapes Ashley.

Afterward, Ashley leaves the office and hurries to her cell. She sits there alone and cries. A few minutes later, Jauregui shines his light into Ashley's cell to ask if she's okay. She doesn't respond. Whenever he walks by again, Ashley asks to take another shower. Jauregui opens the door. Later that evening, he calls Ashley to the office to apologize...for raping her.

Jauregui went missing from the pod for a couple of weeks after raping Ashley. Ashley didn't initially report the incident out of fear of Jauregui, and because some women were fond of Jauregui, she didn't want to ostracize herself further.

After two weeks, Jauregui returns, tells Ashley he loves her and hands her a note in the presence of Acosta, another corrections officer with PREA allegations against him. The PREA investigator has the note and the pants from the evening of Ashley's first rape.

The facility becomes fully staffed over the next few months, so Jauregui is moved back to work intake. Though he'd have no business there, he makes it a point to visit Ashley in her pod, usually between midnight and 3:00 a.m. while she's out cleaning. Jauregui told Ashley how other officers felt it was weird that he preferred her pod.

On or about February 12, 2023, Jauregui staffs the pod near Ashley's, Echo Charlie. He tells Ashley that the warden asked him to work for that pod. Correctional officers Tenet and Pack allowed Ashley out of her cell because her trial was nearing. Although not assigned, Jauregui comes to Ashley's pod.

While Tenet is at Intake and Pack is getting supplies, Jauregui demands Ashley get into the office. He enters the officers, shoves his hand down Ashley's pants, and jams his fingers into her vagina. Pack is approaching, so Jauregui stops. Ashley is crying, terrified. Packs ask if she is okay. Jauregui responds that they're just talking about her trial. Ashley returns to her cell. Jauregui remains in Ashley's pod.

Ashley hears Jauregui scream, "Schardein!!!" Terrified, she returns to the office. Jauregui closes the door. He grabs Ashley's head and forces her to her knees. Jauregui unzips his pants and tells Ashley to "open her mouth." Fearfully, she does. He grabs the back of Ashley's head and forces his penis into her mouth and continues forcing her to give him oral sex. Jauregui smacks Ashley on the face as he moans and continually forces her mouth onto his penis.

Pack smacks the door, opens it, and says, "What are you doing?" Jauregui says again, "We're just talking about trial." Two female guards enter the pod as Ashley walks to her room.

Jauregui once again calls Ashley back into the office. Before anything happens, Pack walks in and says Ashley doesn't look so good, so they call the nurse. The nurse checks Ashley's blood pressure and realizes it's dangerously elevated. She tries to relax. As Pack tries to walk Ashley to her cell, she faints and hits the table. The nurse is called again. Ashley then to report Jauregui after her trial.

During the trial, Jauregui escorts Ashley as she prepares for the most fateful decision of her life. He taunts her with faint praise about how he loves her, that she's gorgeous, and that he can't wait for them to be together.

In March 2023, after the trial, Ashley called Captain Christian to report a rape. Christian walks her to medical. Jauregui or Pack called the medical to get information on Ashley's reporting.

After Ashley's report, Cimarron changed protocol and didn't allow male guards in female pods without female guards. In 2022, there were eleven allegations of sexual assault by an inmate against an employee; four were substantiated. It's the second most of any CoreCivic facility.

On September 9, 2023, co-counsel Brecken Wagner visited Ashley to discuss these allegations. On November 14, 2023, co-counsel Ronald Jones II visited Ashley to discuss these allegations. Both applied and were approved for visitation by the facility. In early 2024, Ashley called Ronald Jones II to discuss potential retaliation. The facility had taken away Ashley's job without reason. Jones II advised Ashley to file a grievance because it was a possible claim for retaliation. Ashley was given her job back the next day without rhyme or reason.

CLAIM 1: EIGHT AMENDMENT VIOLATIONS FORBIDDING CRUEL & UNSUAL PUNISHMENT (against both defendants)

Incorporating all preceding paragraphs, both defendants violated Ashley's right to be free from cruel & unusual punishment. Damian Jauregui through harassment, manipulation, and several brutal sexual assaults on Ashley. Cimarron Correctional Facility by remaining deliberately

indifferent to the threat of sexual assault within its facility. Officers received inadequate training, preventing them from identifying and reporting sexual assault. Cimarron Correctional Facility maintained facilities, policies, and staffing levels that cultivated an environment ripe for sexual assault. Ashley has suffered physical injuries, pain & suffering, lost liberty, and psychological & emotional distress.

CLAIM 2: FIRST AMENDMENT VIOLATION AGAINST CORECIVIC, INC.
(CIMARRON CORRECTIONAL FACILITY)

Incorporating all preceding paragraphs, Cimarron Correctional Facility violated Ashley's First Amendment right to access the courts by retaliating against her for speaking to counsel. Firing Ashley from her job for no reason and returning it after counsel advised her to file a grievance is a blatant violation of Ashley's First Amendment rights. The action was meant to deter Ashley's pursuit of justice and caused her great pain & suffering.

CONCLUSION

The plaintiff requests compensatory and punitive damages against the Defendants in addition to costs and attorney fees. A jury is demanded on all triable claims.

Respectfully submitted,

/s/ Ronald Jones II

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